

Appl. No. 09/673,133
Reply to Office Action of October 17, 2005

Remarks/Arguments:

According to the Office Action, mailed October 17, 2005 (hereinafter, "Office Action"), claims 1 to 14 are currently pending and under examination. In the Office Action, the Examiner made the following new arguments, objections and rejections:

- Claims 1-14 were made subject to restriction and/or election requirement.

1. **Remarks:**

a. **Response is timely.**

A response to the Office Action was due on November 17, 2005. The applicants attach hereto a Petition For Extension Of Time Under 37 CFR 1.136(a) along with payment of the associated fee. With the 5-month extension of time to respond to the Office Action, a response becomes due on April 17, 2006. This response was filed before this date and is therefore timely.

b. **Fees.**

The applicants have authorized the Commissioner to charge Deposit Account No. 50-0244 for \$2,160.00 for the fee to file a Petition For Extension Of Time Under 37 CFR 1.136(a).

The applicants do not believe that any additional fees are due. However, please charge any additional fees required or credit any fees overpaid to Deposit Account No. 50-0244.

c. **Amendments to the Claims.**

Claims 1-5, 9-11 and 13 were canceled without prejudice or disclaimer.

Claims 6 and 7 was amended without prejudice or disclaimer and to further applicants' business interests and the prosecution of the present application. The amendment to claim 6 is supported in the specification at page 6, lines 9-12. The amendment to claim 7 is supported in the specification at page 6, lines 30-31.

The amendments to the claims as discussed above do not add any new matter. Applicant reserves the right to prosecute any canceled or amended subject matter in a later application.

2. **Arguments.**

The Examiner alleges that claims 1-14 are directed to more than a single invention; and, therefore, requires that the applicants elect a single invention from the four groups as follows:

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- I. Claims 1-5 and 10, drawn to a purified and isolated nucleic acid, a vector, a transformed host, a method of forming a substantially pure recombinant transferrin receptor protein, and a diagnostic kit.
- II. Claims 6-8, 12 and 14, drawn to a recombinant transferrin receptor.
- III. Claims 7, 8, 11 and 13, drawn to an immunogenic composition, and a method for generating an immune response.
- IV. Claim 9, drawn to a method of determining the presence of a nucleic acid.

The applicants elect invention of Group II to prosecute. Consistent with this election, the applicants have cancelled claims 1-5, 9-11 and 13, and have amended claims 6 and 7 so that they are limited to a recombinant transferrin receptor.

3. Conclusions.

The amendments, remarks and arguments submitted herein are intended to be fully responsive to the outstanding Office Action, to advance the prosecution of the present invention, and to place the application in condition for allowance.

The applicants respectfully request consideration and entry of this paper. The applicants also respectfully request reconsideration of this application, as amended, and issuance of a timely Notice of Allowance in this case. Should the Examiner have any questions concerning this application, she is invited to contact the undersigned at (570) 839-5537.

Date: April 14, 2006

Respectfully submitted,

By: Robert Yoshida

Robert Yoshida
Reg. No. 54,941

Sanofi Pasteur Inc.
Intellectual Property - Knerr Building
One Discovery Drive
Swiftwater, PA 18370
Telephone: (570) 839-5537
Facsimile: (570) 895-2702